

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**CITYNET, LLC, on behalf of
United States of America,**

Plaintiff,

v.

Case No.: 2:14-cv-15947

**FRONTIER WEST VIRGINIA, INC.,
et al.,**

Defendants.

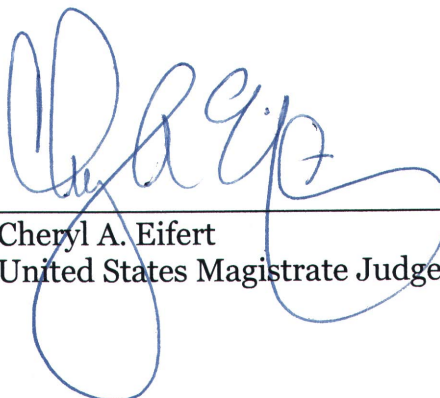
**MEMORANDUM OPINION AND ORDER SEALING
DEFENDANTS' REPLIES IN SUPPORT OF MOTIONS FOR PROTECTIVE
ORDERS**

Pending before the Court is the Motion for Leave to File Under Seal of Defendants Frontier West Virginia, Inc., Kenneth Arndt, Dana Waldo, and Mark McKenzie, (ECF No. 313), requesting their Replies in Support of their Second and Third Motions for Protective Order be filed as sealed. The Court notes that the attached Replies contain confidential information; however, as noted in the motion to seal, Exhibit 3 to the Reply in Support of Third Motion for Protective Order is a publicly available transcript and need not be sealed. Due to the confidential nature of this information, this Court **GRANTS** Defendants' motion to seal and **ORDERS** the Clerk to file Defendants' Reply in Support of their Second Motion for Protective Order, (ECF No. 313-1) as sealed, Defendant's Reply in Support of their Third Motion for Protective Order, (ECF No. 313-2), be filed as sealed and Exhibit 3 to Defendants' Reply in Support of their Third Motion for Protective Order remain unsealed. (ECF No. 313-3). The Motion itself, (ECF No. 313), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the Replies in Support of Defendants' Second and Third Motions for Protective Order shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the Replies in Support of Defendants' Second and Third Motions for Protective Order does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file the Replies in Support of Defendants' Second and Third Motions for Protective Order, (ECF Nos. 313-1 and 2), under seal.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: April 28, 2022



Cheryl A. Eifert
United States Magistrate Judge